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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,131	03/12/2004	Stephen C. Ellis	KAZAK-017XX	6931
207	7590	02/24/2006	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			DINH, TIEN QUANG	
			ART UNIT	PAPER NUMBER
			3644	
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/800,131	ELLIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tien Dinh	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-110 is/are pending in the application.
- 4a) Of the above claim(s) 37,46-56,66,72 and 85-110 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33,38-45,57-65,67-71 and 73-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election of group I, species A in the reply filed on 12/2/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 37, 46-56, 66, 72, and 85-110 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected 85-110, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/2/05.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fastening means as claimed in claim 71 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33, 35, 39, 40, 64, 65, 67-71, and 74-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Schmittle and Vaux.

Brown discloses a helicopter having shoes that are attached to the landing element of the vehicle. The shoe has a base and substrate (see figures 2 or 5). It is a well known design choice to make them integral. The shoe is curved. Brown is silent on the passive retaining elements on the skid with the complementary parts to engage the skid and the landing pad. However, Schmittle discloses that landing elements that have parts to engage a complementary part on the landing area is well known (see figure 2). The passive engagement means are hooks and loops that extend from a base. Vaux teaches that landing pads are well known in the art. The landing

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pad has substrates and base (well known design choice to make them integral). Vaux also shows that the base includes load carrying members operative to transfer a load on the landing pad to a supporting surface. The load carrying members are unidirectional. Vaux also discloses flexible straps. See figures.

It would have been obvious to one skilled in the art at the time the invention was made to have used complementary engaging parts on the shoes of Brown along with a landing pad having base and substrates that has the other complementary engaging parts as taught by Schmittle and Vaux to allow the helicopter to land safely and quickly.

The examiner takes official notice that passive retaining medium such as sticky medium, tap, putty, adhesive, etc. are well known. Plus, it is a mere substitution of parts to used these alternatives. The application has not cited the criticality to these elements.

Please note that stems with caps are design choices that one skilled in the art would have used as a mere substitution of parts. Furthermore, it is a design choice to make the passive retaining medium out of elastomeric and polyolefin material to better accommodate the landing system.

RE claims 30, 31, and 33, it is an obvious design choice to use polyurethane material for the matrix material to make the pad more durable. Also it would have been obvious to use fiberglass to make the pad more durable.

Re claims 67-69, please note that it is a design choice to make the shoes in any "flexibility" so as to allow the aircraft to land safely.

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The examiner takes official notice that transport carts with hoist mechanism, jack mechanisms, etc. are well known in the art.

Re claims 78-84, these claims are intended use. The landing pads can be used in any environment in which the helicopters will land.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as modified by Schmittle and Vaux as applied to claims 1 and 29 above, and further in view of Gerstin.

Brown as modified by Schmittle and Vaux discloses all claimed parts except for the rod. However, Gerstin discloses that rods are well known to be used as load carrying members.

It would have been obvious to one skilled in the art at the time the invention was made to have used rods in Brown as modified by Schmittle and Vaux's system as taught by Gerstin to create a safer, stronger landing pad. It is also a mere substitution of parts.

Claims 36, 38, 57-63, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as modified by Schmittle and Vaux as applied to claim 1 above, and further in view of Wellman.

Brown as modified by Schmittle and Vaux discloses all claimed parts except for the rollable landing pad and the corresponding parts. However, Wellman discloses load carrying members to transfer a load on the landing pad to a supporting surface and rollable landing pads with securing system with fittings/clamps 41 that are connected to ropes/straps 40 that are connected to the pads with rings/loops are well known in the art.

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It would have been obvious to one skilled in the art at the time the invention was made to have made the pads rollable and use load carrying members and securing system with fittings/clamps 41 that are connected to ropes/straps 40 that are connected to the pads with rings/loops in Brown's system as modified by Schmittle and Vaux and as taught by Wellman to allow the pads to be stored and safely deployed and allow the aircraft to land nearly anywhere safely. Please note that the use of transport carts to store and transport pads are well known in the art. Hence, one skilled in the art can use a cart in place of other vehicles.

Claims 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as modified by Schmittle and Vaux as applied to claim 1 above, and further in view of Eftestol.

Brown as modified by Schmittle and Vaux discloses all claimed parts except for the pads being made out of smaller parts joined together with joint fittings. However, Eftestol discloses that pads used to make a bigger pad having joint fittings and load carrying members are well known.

It would have been obvious to one skilled in the art at the time the invention was made to have used multiple pads with joint fittings to make a bigger pad and load carrying members in Brown's as modified by Schmittle and Vaux and as taught by Eftestol to allow easier storage.

Re claims 43 and 44, please note that hinged joint fittings that are removably affixed are well known in the art. The examiner takes official notice that this is well known in the art.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lingafelter, Rembert et al, Bain, Wainwright, and Shwayder disclose helicopter means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 571-272-6899. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TD

A handwritten signature in black ink, appearing to read "Tien Dinh", with a stylized flourish at the end.